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18 FACEBOOK, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware Corporation
headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**DECLARATION OF DAVID Z.
GRINGER IN SUPPORT OF
DEFENDANT FACEBOOK, INC.'S
MOTION TO DISMISS**

Judge: Hon. Lucy H. Koh

1 I, David Z. Gringer, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent
3 Defendant Facebook, Inc. in the above-captioned action.

4 2. Attached as Exhibit 1 is a true and correct copy of the June 29, 2011 New York
5 Times article, *News Corporation Sells MySpace for \$35 Million*, found at
6 [https://mediadecoder.blogs.nytimes.com/2011/06/29/news-corp-sells-myspace-to-specific-](https://mediadecoder.blogs.nytimes.com/2011/06/29/news-corp-sells-myspace-to-specific-media-for-35-million)
7 [media-for-35-million](https://mediadecoder.blogs.nytimes.com/2011/06/29/news-corp-sells-myspace-to-specific-media-for-35-million).

8 3. Attached as Exhibit 2 is a true and correct copy of the October 6, 2020 CNBC
9 article, *TikTok passes Instagram as second-most popular social app for U.S. teens*, found at
10 [https://www.cnbc.com/2020/10/06/tiktok-passes-instagram-as-second-most-popular-social-app-](https://www.cnbc.com/2020/10/06/tiktok-passes-instagram-as-second-most-popular-social-app-for-us-teens.html)
11 [for-us-teens.html](https://www.cnbc.com/2020/10/06/tiktok-passes-instagram-as-second-most-popular-social-app-for-us-teens.html), which is cited at User Class Action Complaint (“UC”), Dkt. No. 87, n.51.

12 4. Attached as Exhibit 3 is a true and correct copy of the 2019 note by Dina
13 Srinivasan, *The Antitrust Case Against Facebook: A Monopolist’s Journey Towards Pervasive*
14 *Surveillance In Spite of Consumers’ Preference for Privacy*, 16:1 Berkley Bus. L. J. 39, cited at
15 UC nn. 58, 71, 89, 101, 105, 171.

16 5. Attached as Exhibit 4 is a true and correct copy of the first presentation referenced
17 in UC ¶ 77.

18 6. Attached as Exhibit 5 is a true and correct copy of the second presentation
19 referenced in UC ¶ 77.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on this 20 day of May, 2021, in Washington, District of Columbia.

22 By: /s/ David Z. Gringer

23 David Z. Gringer
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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: May 20, 2021

/s/ Sonal N. Mehta

Sonal N. Mehta